

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

SB 418 - HB 1022

April 11, 2023

SUMMARY OF BILL AS AMENDED (007295): Requires, if a court issues a bench warrant due to a defendant's failure to appear on a felony on a Class A or Class B misdemeanor that is violent or sexual in nature as determined by the court or if a defendant is charged with a failure to appear, the defendant to be placed on any available state or federal list or database as a fugitive of justice, without limitation, within 10 days of the defendant's failure to appear. Establishes that a surety is not liable for any undertaking if the defendant has not been placed on such a database within the time required by law. Requires an arresting officer or the officer's agency to exercise due diligence in determining the existence of prior arrests or convictions after an officer arrests a person, but prior to the determination of bail. Requires the results of the investigation into the arrestee's prior arrests and convictions to be made part of the person's law enforcement file.

FISCAL IMPACT OF BILL AS AMENDED:

NOT SIGNIFICANT

Assumptions for the bill as amended:

- Based on information provided by the Administrative Office of the Courts, any fiscal impact associated with state courts placing defendants on currently available lists or databases is estimated to be not significant.
- It is assumed that local clerks of court can place the defendants on such existing databases in the normal course of business without an increase in expenditures.
- It is assumed that state and local courts will fully comply with the timely requirements to place defendants on such databases; therefore, any fiscal impact related to the immunity of sureties in the absence of such compliance is estimated to be not significant.
- It is assumed that state and local law enforcement agencies will exercise due diligence to determine the existence of prior arrests in the normal course of business.
- Any fiscal impact to state or local government is estimated to be not significant.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner". The signature is written in a cursive, flowing style.

Krista Lee Carsner, Executive Director

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